

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 6/12/02
C.C. 6/18/02

File Number
PDC01-04-052

Application Type
Planned Development Rezoning

Council District
10

Planning Area
Edenvale

Assessor's Parcel Number(s)
464-43-044

STAFF REPORT

PROJECT DESCRIPTION

Completed by: John W. Baty

Location: Southwest corner of Branham Lane and Vista Park Drive

Gross Acreage: 8.8

Net Acreage: 6.9

Net Density: 11.3 DU/AC

Existing Zoning: CP-Commercial Pedestrian

Existing Use: Vacant

Proposed Zoning: A(PD) Planned Development

Proposed Use: Up to 78 single-family detached residential units

GENERAL PLAN

Completed by: JWB

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: JWB

North: Single-family detached residential

R-1-8(PD) Planned Development

East: Senior-assisted living facility

A(PD) Planned Development

South: Single-family detached residential

R-1-8 Residential

West: Single-family detached residential

R-1-8(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: JWB

☒ Environmental Impact Report Pending
☐ Negative Declaration circulated
☐ Negative Declaration adopted

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: JWB

Annexation Title: Downer No. 5

Date: March 5, 1971

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial
☐ Uphold Director's Decision

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER

OWNER

Summerhill Homes
777 California Avenue
Palo Alto, CA 94303

Pepper Lane-Branham, LLC
C/o Summerhill Homes
777 California Avenue
Palo Alto, CA 94303

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JWB

Department of Public Works

Not attached.

Other Departments and Agencies

N/A

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Summerhill Homes, is proposing to rezone an 8.8 gross-acre site from CP-Commercial Pedestrian to A(PD) Planned Development to allow up to 78 single-family detached residential units.

The subject site is currently vacant and undeveloped and was formerly part of a large orchard. The site has three existing street frontages, Branham Lane to the north, Vista Park Drive to the east and Hyde Park Drive to the south. The site shares its westerly property line with existing single-family detached residential units. There are existing single-family detached residential developments to the north across Branham Lane, and to the south across Hyde Park Drive. An existing 120-unit senior assisted living facility is to the east across Vista Park Drive.

Project Description

The proposed project consists of 78 single-family detached units fronting onto either existing or new public streets. The minimum lot size is 2,999 square feet with an average lot size of approximately 3,850 square feet. There are three different unit plans. Each plan calls for a two-story unit with a two-car attached garage. The units range from 3 to 4 bedrooms and from 1,822 square feet to 2,230 square feet. All units within the project orient towards new or existing standard public streets.

ENVIRONMENTAL REVIEW

Environmental review for this project is addressed in the Environmental Impact Report entitled "Vistapark & Branham" prepared specifically for this project. The EIR was circulated on April 5, 2002, response to comments received is included in the First Amendment. The Planning Commission must certify the Environmental Impact Report as complete, prior to taking action on the subject Planned Development Rezoning. The EIR was required specifically to address the of loss of Burrowing Owl habitat and loss of prime farmland. Other environmental issues were addressed that are more typical to such residential development included traffic, potential soil contamination from agricultural pesticides, noise, hydrology, cultural resources and air quality. Mitigation, where appropriate, is included in the project to address these issues and reduce the environmental impacts to less than significant levels.

The EIR concludes that impacts to Burrowing Owl nesting and foraging habitat are significant and unavoidable. The EIR also concludes that the loss of prime farmland would be significant and unavoidable. The City Council will need to adopt a Statement of Overriding Consideration, related to the issue of burrowing owl and prime farmland impacts, if the project is approved.

Burrowing Owls

The Burrowing Owl report prepared for the project, by H.T. Harvey & Associates, indicated that the site represents nesting and foraging habitat for Burrowing Owls. Burrowing Owl surveys were conducted during the 2001-nesting season. During protocol level surveys (July 9, 17, and 19, 2001) no Burrowing Owls were observed; however secondary evidence including feathers and other evidence was found around the openings to several burrows and, thus, the site is considered to be occupied. The loss of this habitat and the loss of any Burrowing Owls would constitute a significant unavoidable impact. Several mitigation measures have been included in the project to lessen the impact on the Burrowing Owls, but not to a less than significant level. These measures would include:

- A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to site grading.
- A construction free buffer zone to be determined by the ornithologist shall be established around any active owl nests that are found.
- No construction activities that would result in disturbance to nesting burrowing owls shall occur.
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.
- Six and one-half (6.5) acres of offsite burrowing owl habitat shall be purchased, enhanced if required and maintained, as required by and in accordance with a Mitigation Agreement and a Habitat Management preserve agreement with the California Department of Fish and Game.

Prime Farmland

Development of the project would result in the loss of 8.8 acres of prime farmland, constituting a significant impact on agriculture resources. There is no mitigation for the loss of prime farmland; thus, the loss of prime farmland due to project development would be an unavoidable significant impact.

GENERAL PLAN CONFORMANCE

The proposed project has a net density of 11.3 DU/AC. This density is consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC). This site was subject to a General Plan Amendment in 1999, GP99-10-1, which changed the General Plan Designation from Neighborhood/Community Commercial to Medium Density Residential (8-16 DU/AC). A subsequent General Plan Amendment in 2000, GP00-10-3, removed the arterial (80'-106') designation status for Vista Park Drive between Branham Lane and Blossom Hill Road.

The proposed project is consistent with the General Plan's Growth Management, Housing and Sustainable City Major Strategies, which encourage the prudent location of new development for the purpose of maximizing the efficient use of urban services and facilities. The development of infill housing, as proposed, supports these objectives.

In addition to the Major Strategies, the proposal is consistent with the Balanced Community and Residential Land Use Policies of the General Plan. These policies encourage higher densities throughout the City.

The proposed project will further the General Plan Urban Design Policy by applying strong architecture and site design controls to protect the character of the existing neighborhood and provide a proper transition between the existing neighborhood.

ANALYSIS

This project proposes a small-lot residential development on an infill location within a neighborhood typified by one-story, single-family houses on 6,000 square foot lots. From that standpoint, considerable effort was made to fine-tune the project so that it would properly mesh and be compatible with the adjacent development.

Site Design

The project was designed to take advantage of the down-graded arterial street status of Vista Park Drive. Vista Park Drive was once planned to continue south to connect with the proposed Chynoweth Avenue Extension and Blossom Hill Road. Currently, this short segment of street extends just past the subject site to the south and stubs into the Lester property, a 100+ acre vacant parcel. The project may opt to re-construct a portion of this wide, "as-built" 108' right-of-way to a dimension or scale more appropriate for the fronting of new single-family houses. Alternative development standards including smaller front setbacks may be used for new lots facing Vista Park Drive if the street width is reduced.

There are several units that front onto an existing segment of Hyde Park Drive. The units closest to other existing front-on units will maintain a larger setback to maintain a better level of compatibility with the setbacks of existing development. These front setbacks will transition to a smaller dimension for units closer to Vista Park Drive. In the area where these setbacks become smaller, the new units will be across the street from existing single-family houses with 12.5-foot setback and a side-on relationship to the street.

The western units are arranged to back up to the existing back yards of the existing single-family development to the west. The new units that interface this common property line will include larger rear yards and setbacks more similar to the adjacent lots.

Along Branham Lane there is one new street connection that allows for two corner lots. This breaks up the pattern of houses backing onto Branham Lane, and eliminates the need for a long continuous sound wall.

The site is well designed internally and is compatible with the existing surrounding developments.

Conformance to Residential Design Guidelines

The proposed project conforms to the intent of the Residential Design Guidelines (RDGs) for the small lot single-family house product in terms of setbacks, open space, and architectural massing.

To ease the transition between the existing single-family neighborhood to the west and the proposed project, setbacks have been increased for lots where there is a direct interface.

Increased rear setbacks and building articulation of the rear elevations of units next to Branham Lane will reduce the sense of massing. Additional refinement will occur at the Planned Development Permit stage.

Each unit has a two-car garage and two parking spaces in front of the garage on the driveway apron. The public streets will accommodate additional parallel parking in front of the new units.

PUBLIC OUTREACH

A neighborhood meeting was held with the neighborhood by the developer prior to the filing of a formal development application. The Planning Department was not a party to that meeting. It was reported that the key concern was the interface with the neighborhood. More specifically, existing residents were concerned about the creation of new streets that might create additional traffic within their neighborhood. At one time, the project had considered the creation of a new street that would intersect with Hyde Park Drive and be aligned with Birmingham Drive. In response to neighborhood concerns, this element of the site design was deleted from the project. While the General Plan includes policies to promote neighborhood connectivity, the deletion of this street for this relatively small development is not absolutely critical. The existing block configuration is relatively compact and units are proposed on the Hyde Park Drive which do not “turn their back” to the existing neighborhood.

Other issues raised related to the interface with existing houses to the west. As previously indicated, the project was designed with larger rear setbacks in this area in order to achieve a better level of compatibility.

Notice of the Planning Commission and City Council Hearings was distributed to the owners and tenants of all properties located within 500 feet of the project site.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC).
2. The proposed project substantially conforms to the *Residential Design Guidelines*.
3. The project furthers the goals and objectives of the City's in-fill housing strategies.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.
5. The project conforms to the requirements of the California Environmental Quality Act upon certification of the EIR.